

**United States District Court**  
For the Northern District of California

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## IN THE UNITED STATES DISTRICT COURT

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## FOR THE NORTHERN DISTRICT OF CALIFORNIA

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GERARDO HERNANDEZ,

No. C 12-03257 WHA

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Plaintiff,

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v.

**ORDER RE CONSENT DECREE  
AND PROPOSED ORDER**

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TAQUERIA EL GRULLENSE; JUAN  
FRANCISCO GAMEZ GARCIA dba  
TAQUERIA EL GRULLENSE; OSCAR PANG-  
CHENG LIU; CHUCHING KUO LIU; OSCAR  
PANGCHENG LIU AND CHU-CHING KUO  
LIU, Co-Trustees for the Liu Family Trust, dated  
September 26, 2008; and DOES 1-10, Inclusive,

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Defendants.

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In this action brought under the Americans with Disabilities Act, the parties have submitted a consent decree and proposed order, captioned "consent decree and [proposed] order as to injunctive relief and damages only." The consent decree provides for defendants to make certain modifications to the facility in question, including modifications that are not set to be completed until December 2013. It further states that "the Parties have not reached any agreement regarding Plaintiff's claims for damages, attorneys' fees, litigation expenses, and costs. These matters will be the subject of future negotiation or litigation as necessary. The Parties jointly stipulate and request that the Court not dismiss the case in its entirety as these issues remain unresolved." The consent decree also does not appear to address defendants and cross-claimants' claims against Rafael Guerrero, Juan Francisco Gamez Garcia, and Taqueria El Grullense.

1           The parties proposed consent decree and order is premature and incomplete.

2 Accordingly, the proposed order is **DENIED WITHOUT PREJUDICE**.

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4           **IT IS SO ORDERED.**

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6 Dated: April 22, 2013.

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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE